

within thirty days.⁷ Because no response was received by the Commission, on October 6, 2015, the Wireless Telecommunications Bureau's Mobility Division sent a separate letter, stating that if Janus did not respond within ten days, the Mobility Division would conclude that the authorization had cancelled for failure to meet the pertinent construction or operational requirements.⁸ No response has been received.

5. *Discussion.* Section 90.631(f) of the Commission's rules provides that a license for trunked SMR station is not placed in permanent operation, in accordance with the licensed parameters, within one year of license grant; or if the facilities have discontinued operation for ninety continuous days (unless the licensee notifies the Commission prior to the end of the ninety-day period and provides a date on which operation will resume, which must not be in excess of thirty additional days).⁹ The information provided by Smartcomm is persuasive evidence that Janus's station is not constructed. In addition, Janus's failure to respond to either letter presumptively indicates that the station is not constructed or operational.¹⁰ We will update the Commission's Universal Licensing System to reflect the cancellation of the license for Stations WQUX291.

6. Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 90.631(f) of the Commission's rules, 47 CFR § 90.631(f), the Commission's licensing records SHALL BE MODIFIED to reflect the cancellation of the license for Station WQUX291.

7. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁷ Letter dated Aug. 5, 2016, from Bruce D. Jacobs, Chief, Spectrum Enforcement Division, Enforcement Bureau, to Daryl Bank, Janus Spectrum Group, LLC.

⁸ Letter dated Oct. 6, 2016, from Stana B. Kimball, Attorney-Advisor, Mobility Division, Wireless Telecommunications Bureau Bureau, to Daryl Bank, Janus Spectrum Group, LLC. The letter also was sent to the contact listed on the license.

⁹ 47 CFR § 90.631(f).

¹⁰ See, e.g., *Alliance Communications Group*, Order, 30 FCC Rcd 25, 26, para. 4 (WTB MD 2005).